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<p>Message:</p> <p>Enclosed herewith:</p> <ul style="list-style-type: none">• Transmittal Document; and• Reply Brief.	
Re: Application No. 09/620,714 Attorney Docket No: AUS9-2000-0277-US1	
Date: Tuesday, October 26, 2004	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Browning et al.**

Serial No.: 09/620,714

Filed: July 20, 2000

**For: Method and Apparatus to Debug
a Program from a Predetermined
Starting Point**§
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§
§

Group Art Unit: 2122

Examiner: **Steelman, Mary J.**

Attorney Docket No.: AUS9-2000-0277-US1

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By:

Carrie Parker
Carrie ParkerTRANSMITTAL DOCUMENTCommissioner for Patents
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Sir:

ENCLOSED HEREWITH:

- Reply Brief (37 C.F.R. 41.41).

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,


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Docket No. AUS9-2000-0277-US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Browning et al.**

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For: **Method and Apparatus to Debug
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Examiner: Steelman, Mary J.

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Alexandria, VA 22313-1450****Certificate of Transmission Under 37 C.F.R. § 1.8(a)**

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By:

Carrie Parker
Carrie Parker**REPLY BRIEF (37 C.F.R. 41.41)**

This Reply Brief is in furtherance of the Notice of Appeal (filed in this case on October 30, 2003), the Appeal Brief (filed in this case on December 24, 2003), the Supplemental Appeal Brief (filed in this case on April 22, 2004) and the Examiner's Answer (filed in this case on August 26, 2004).

No fees are believed to be required to file a Reply Brief. Any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF REPLY BRIEF.

(Reply Brief Page 1 of 4)
Browning et al. - 09/620,714

ARGUMENT

Appellant's initial positions regarding the final rejection of Claims 1-29 are fully described in Appellant's Supplemental Appeal Brief filed April 22, 2004. This Reply Brief is being filed to respond to certain positions/statements made by the Examiner in the Examiner's Answer mailed August 26, 2004.

GROUP I

The Examiner states "When a state restoration command (a predefined event) is issued ... state restoration unit reads in the file and restores the debugged state". Thus, the Examiner is equating the state restoration command itself as being the claimed predefined event. Appellants urge that such a command, in and of itself, is not an event – rather, the *issuance* of such a command is an event (an event being commonly known to mean the occurrence of some action – and thus a command by itself performs no action until issued). However, the cited reference teaches that such command *issuance* is user-initiated, and thus the *issuance* of such a command is not a "pre-defined event", as expressly recited in Claim 1. Rather, it is a user-initiated event.

GROUP II

As an initial matter, it should be noted that Appellants' comments regarding *advantages* of the claimed invention should be interpreted as just that – advantages. Appellants' are not attempting to read such advantages into the claim language itself to establish missing claimed features. Instead, the advantages are highlighted to show that *in addition to* the missing claimed features not being present, such missing claimed features provide resultant advantages.

As to the missing claimed features themselves, and in particular to the missing claimed feature of "reinitiating debugging from the stored process state, *wherein the process has control over at least one child process and the process state includes a process descriptor for each of the at least one child process*" (emphasis added), the Examiner merely asserts that the cited reference teaches "reinitiating debugging from the stored process state". Appellants urge that the cited reference makes no mention of any type of child processes, or that a process state (that is saved and retrieved) includes a process descriptor for each child process.

GROUP III

The Examiner's comments in Sections I. and II. under Group III of the Examiner's Answer are with respect to *advantages* of the claimed invention. Appellants' are not attempting to read such advantages into the claim language itself to establish missing claimed features. Instead, the advantages are highlighted to show that *in addition to* the missing claimed features not being present, such missing claimed features provide resultant advantages.

As to the Examiner's comments in Section III of Group III of the Examiner's Answer, the cited reference does not teach that a predefined event (for which the retrieval of the stored process state is responsive to) is a checkpoint. Rather, a list for user retrieval is presented to the user in response to a user command being input (the inputted command being a state restoration command). Such user action is not a checkpoint predefined event, as expressly recited in Claim 26.

GROUP IV

The Examiner states that with respect to the claimed parent debug process and child debug process "A relationship is not noted", and that the "Examiner reads the claim language to state only that a child process (of some type) is created". Appellants urge that Claim 28 expressly recites "creating a child process from the debug process". Per the Examiner's interpretation, the word "child" is being ignored, as the Examiner states that a process "*of some type*" is created and that a relationship between such processes "is not noted". To ignore the expressed claim terminology of "child" is shown to be clear error, since for a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (emphasis added by Appellants).


The Examiner further notes that the claim language fails to indicate that the child process is the object of debugging. Appellants urge that the claimed language expressly recites steps of *saving a process state for the child process* ... to form a stored process state, restoring the stored process state, and *executing the child process using the stored process state*. The general concepts of saving and restoring a process state, and execution of a process using such a stored process state, are classical debug operations. Thus, the fact that Claim 28 specifically recites

such operations for a child process make clear that the claim is directed to debugging of a child process – in direct contradiction to the Examiner's position regarding Claim 28.

GROUP V

The Examiner asserts that the cited reference teaches two embodiments – (1) saving state without tracing and (2) saving state with tracing. However, these mutually exclusive events (they are mutually exclusive because you can either have tracing on or off; it cannot be both on and off at the same time) do not establish (1) saving a process state of the traced process, and (2) *saving the process state of another process that is not being traced* by the debugger, and then retrieving such saved process states for debugging the process using such retrieved process states. The cited reference only contemplates retrieval of a single state file at a time for debug.

In conclusion, Appellants have shown that Claims 1-29 have been erroneously rejected by the Examiner, and request that the rejection of such claims be reversed by the Board of Appeals.



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